IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.07.2007

Coram

The Honourable Mr.Justice S.PALANIVELU

CMA.NPD.No.926 of 2002

1. Palaniappa Gounder
2. Palaniammal ...Appellants

-vs-

Tamilnadu State Transport
Corporation Limited, rep. By its
Managing Director
Ramakrishna Road
Salem ...Respondent

Civil Miscellaneous Appeal against the judgment and award of the learned Principal District Judge of Erode District, Erode in MCOP.No.1350 of 2000 dated 3.4.2001.

For Appellants : Mr.S.Kaithamalai Kumaran
For respondent : Mr.P.Jagadeesan

ORDER

On 24.8.2000 at about 00.45 hours on the KNK Road, Erode in front of Vimal Tailor Shop the deceased was riding a TVS 50 bearing registration No.TN - 38-2281 on the extreme left side of the road. The bus bearing registration No. TN- 27-N-1202 belonging to the respondent corporation was driven in a rash and negligent manner and dashed against the moped causing death of the deceased.

2. There is no demand before this Court with regard to fixing of negligence upon the driver of the transport corporation.

3. While coming as regards quantum of compensation awarded by the Tribunal, the learned counsel for the appellant submitted that though there was a claim for a sum of Rs.10 lakhs, the Tribunal has awarded only a sum of Rs.1,50,000/- as consolidated compensation which is not at all legally tenable. He further submitted that the deceased was a bachelor aged about 29 years and he was working as a Manager in Sri Sabari Textiles and earning a sum of Rs.5000/- per month. The claimants have filed Exs.A5 to A12 documents to substantiate their contentions with regard to the income drawn by

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their son deceased. After considering the oral evidence on record, the learned Judge of the Tribunal has come to the conclusion by fixing the annual income of the deceased at Rs.24,000/- and since the claimants were aged about 55 and 50 years respectively at the time of the accident, considering the age and status of the deceased also, awarded consolidated compensation of Rs.1,50,000/-.

4. In this connection, the principle laid down by the Honourable Supreme court, in the decision reported in MANJU DEVI v. MUSAFIR PASWAN - IV(2005) ACC 15 (SC), is that multiplier of 15 has to be adopted, by considering the notional income of Rs.15,000/- per annum. The law formulated by the Hon'ble Apex Court is as follows:-

> "In the case of U.P.STATE ROAD TRANS. CORPN., v. TRILOCK CHANDRA, I (1996) ACC 592 (SC) = 1996 ACJ 831 (SC), it has been held by this Court that there should be no departure from the multiplier method on the ground that payment being made is just compensation. It has been held that the multiplier method must be accepted method for determining and ensuring payment of just compensation as it is the method which brings uniformity and certainty to awards made all over the country. In view of this authority, it will have to be held that the award of compensation had to be made by the multiplier method.
>
> As set out in the Second Schedule to the Motor Vehicles Act, 1988, for a boy of 13 years of age, a multiplier of 15 would have to be applied. As per the second schedule, he being a non-earning person, a sum of Rs.15,000/- must be taken as the income. Thus, the compensation comes to Rs.2,25,000/-. "

5. Following the above guidelines laid down by the Supreme Court, in this case also, the notional income of the deceased is fixed at Rs.15,000/- and adopting the multiplier of 15, the total compensation of Rs.2,25,000/- has to be made available to the claimants. In fine, the appeal is allowed by making the payment of total compensation for a sum of Rs.2,25,000/- payable by the respondent herein to the appellants.

6. The appeal is allowed. No costs. The respondent has to deposit the enhanced compensation of Rs.75,000/- along with interest at the rate of 7.5% from the date of claim petition, within a period of six weeks from the date of receipt of a copy of this order. On

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such deposit, the appellants are at liberty to withdraw a sum of Rs.25,000/- and a sum of Rs.50,000/- respectively towards their share in respect of enhanced compensation.
Bg/

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

To
The Principal District Judge,
Erode

2. The Section Officer, VR Section
High Court

+ one cc to M/s. A.K. Kumaraswamy, Advocate sr no 45004
+ one cc to M/s. P. Jagadeeswaran, Advocate sr no. 45020

gk(CO)
nm(10.08.07)

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